

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENDALL LAVANON BURTON,

No. C-10-0471 EMC (PR)

Petitioner,

**ORDER DENYING
PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL**

v.

MATTHEW CATE, Secretary of
California Department of Corrections
& Rehabilitation,

(Docket No. 19)


Respondent.

This is a habeas case filed pro se by a state prisoner. Respondent has answered the order to show cause and Petitioner has filed a traverse, so the case is ready for decision. Petitioner moves for appointment of counsel. His previous request for counsel was denied because his issue here was presented on direct appeal and therefore was briefed there by counsel.

A district court may appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require" and the petitioner is "financially eligible." 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Because the case is ready for decision and Petitioner has not identified anything that counsel might do if appointed, the interests of justice do not require appointment of counsel. The motion is **DENIED**.

IT IS SO ORDERED.

Dated: January 31, 2012


EDWARD M. CHEN
United States District Judge